

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7877 of 2025

Arising Out of PS. Case No.-616 Year-2024 Thana- FATEHPUR District- Gaya

Mahesh Kumar Son of Suresh Manjhi Resident of Village - Mochrak, Police Station - Gurpa, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi, Advocate
For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 06-02-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Fatehpur PS Case No. 616 of 2024 instituted for the offences
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 200 liters
country made liquor recovered from Tempo.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of liquor. Petitioner is the
driver of the tempo in question and he was oblivious of the fact



that illicit liquor was laden in the vehicle. The petitioner is in custody since 30-09-2024 and has got no criminal antecedent. There is no compliance of Section 103 of the BNSS, 2023. Other co-accused has been granted bail by this Court *vide* order dated 27-01-2025, passed in Cr. Misc. No. 2591 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent of the petitioner and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Fatehpur PS Case No. 616 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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